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FILED/ACCEPTED

NOV 16 2007

Federal Communications Commission  
Office of the Secretary

November 16, 2007

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
236 Massachusetts Avenue, NE  
Suite 110  
Washington, D.C. 20002

RE: Consent Motion; EB Docket No. 07-197

Dear Madame Secretary:

Enclosed for filing on behalf of parties Kurtis J. Kintzel, Keanan Kintzel, and all other Entities by which they do business before the Federal Communications Commission, is the original and 14 copies of the Consent Motion to Withdraw the "Motion to Modify Issues" from the Commission Docket, in the above-referenced matter.

Sincerely,

*Catherine Park, Esq.*  
Catherine Park, Esq.

Enclosures: Original + 14 Copies

No. of Copies rec'd 04/14  
DATE 11/16/07

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**FILED/ACCEPTED**

**NOV 16 2007**

*Federal Communications Commission  
Office of the Secretary*

In the Matter of	)	
	)	
Kurtis J. Kintzel, Keanan Kintzel, and all	)	EB Docket No. 07-197
Entities by which they do business before the	)	
Federal Communications Commission	)	
	)	
Resellers of Telecommunications Services	)	
	)	
To: The Commission	)	
	)	

**CONSENT MOTION TO WITHDRAW THE “MOTION TO MODIFY ISSUES”**  
**FROM THE COMMISSION DOCKET**

Kurtis J. Kintzel, Keanan Kintzel, and all Entities by which they do business before the Federal Communications Commission (“the Kintzels, et al.”) hereby submit this Consent Motion for Leave to Withdraw the Motion to Modify Issues from the Commission docket.

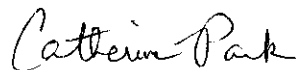
Apparently the Commission is considering the “Motion of the Kintzels, et al., to Modify the Issues, or, in the Alternative, Statement of Objections to the Order to Show Cause” (hereinafter, “Motion to Modify Issues”) which was filed on October 26, 2007.

Upon withdrawal of the Motion to Modify Issues from the Commission docket, the pleading shall be redirected for decision to the Presiding Officer in the hearing, Richard L. Sippel (Chief ALJ), with the first page of the pleading modified to include the Presiding Officer’s name in the caption (as set forth in Exhibit A).

Wherefore, the Kintzels, et al., request that the Consent Motion to Withdraw the “Motion

to Modify Issues” from the Commission docket be granted.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Catherine Park". The signature is written in black ink and is positioned above a horizontal line.

Catherine Park (DC Bar # 492812)  
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# Exhibit A

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	EB Docket No. 07-197
	)	
Kurtis J. Kintzel, Keanan Kintzel, and all	)	File No. EB-06-IH-5037
Entities by which they do business before the	)	
Federal Communications Commission	)	
	)	
Resellers of Telecommunications Services	)	
	)	
To: Presiding Officer, Richard L. Sippel	)	
(Chief ALJ)	)	

**MOTION OF THE KINTZELS, ET AL., TO MODIFY THE ISSUES, OR, IN THE  
ALTERNATIVE, STATEMENT OF OBJECTIONS TO THE ORDER TO SHOW  
CAUSE**

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Exhibit A: Affidavit of Kurtis J. Kintzel

Exhibit B: Letter from Qwest re: Discontinuance of Service

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	EB Docket No. 07-197
	)	
Kurtis J. Kintzel, Keanan Kintzel, and all	)	File No. EB-06-IH-5037
Entities by which they do business before the	)	
Federal Communications Commission	)	
	)	
Resellers of Telecommunications Services	)	
	)	
To: Presiding Officer, Richard L. Sippel	)	
(Chief ALJ)	)	

**MOTION OF THE KINTZELS, ET AL., TO MODIFY THE ISSUES, OR, IN THE**

**ALTERNATIVE, STATEMENT OF OBJECTIONS TO THE ORDER TO SHOW**

**CAUSE**

**I. Summary.**

Kurtis J. Kintzel, Keanan Kintzel, and all Entities by which they do business (“the Kintzels, et al.”) before the Federal Communications Commission (“FCC” or “Commission”), by and through their undersigned counsel, respectfully move, under 47 C.F.R. § 1.229, that the FCC modify the issues in the Order to Show Cause, FCC 07-165, as follows:

(1) Provide a more definite statement as to the number and instances of alleged violations, so that the accused parties can determine whether the proposed imposition of \$50 million in forfeitures exceeds statutory and constitutional due process limits;

(2) Reduce the amount of the proposed forfeitures, because grossly disproportional to the harms alleged, in violation of the Excessive Fines Clause of the U.S. Constitution;

(3) Reduce the amount of the proposed forfeitures, because cumulative punishments for alleged violations of the 2004 Consent Decree, as well as the underlying offenses comprising the alleged violations, is barred by the Double Jeopardy Clause of the U.S. Constitution;

**Certificate of Service**

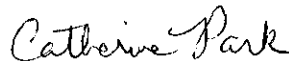
I HEREBY CERTIFY that a true and correct copy of the foregoing was sent for filing on this 16<sup>th</sup> day of November 2007, by hand delivery, to the following:

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
236 Massachusetts Avenue, NE  
Suite 110  
Washington, D.C. 20002

And served by U.S. Mail, First Class, on the following:

Richard L. Sippel, Chief Administrative Law Judge  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 1-C861  
Washington, D.C. 20554

Hillary DeNigro, Chief  
Michele Levy Berlove, Attorney  
Investigations & Hearings Division, Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 4-C330  
Washington, D.C. 20554



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Catherine Park